

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**INTELLIGENT AGENCY, LLC,**  
**Plaintiff**  
**v.**  
**7-ELEVEN, INC.,**  
**Defendant.**

**CIVIL ACTION NO.: 4:20-cv-0185-ALM**  
**JURY TRIAL DEMANDED**

**JOINT MOTION TO STAY CLAIM CONSTRUCTION  
DEADLINES AND RESET MARKMAN HEARING**

Plaintiff Intelligent Agency, LLC (“Intelligent Agency” or “IA”) and Defendant 7-Eleven, Inc. (“SEI” and collectively, “the Parties”) hereby move this honorable Court for a temporary stay of the claim construction deadlines set forth in this Court’s Scheduling Order dated September 29, 2020 (Dkt. No. 21,) and to reset the Markman Hearing. In support of the present motion the Parties would show this Court the following:

1. Civil Action No. 1:20-CV-00777-ADA, styled Intelligent Agency, LLC v. Neighborfavor, Inc. is pending before Judge Alan Albright in the United States District Court for the Western District of Texas (“Favor Litigation”).
2. Intelligent Agency is asserting the same two patents and the same claim set against SEI in this case and in the Favor Litigation.
3. As the Court is aware, Intelligent Agency and SEI were previously exploring the potential transfer of the present case to the Western District of Texas for coordinated handling with the Favor Litigation. Intelligent Agency has determined, however, that it is unlikely the contemplated transfer would result in the cost-saving benefits they originally anticipated.

4. While a transfer is no longer being considered, the Parties continue to jointly seek a coordinated claim construction process between this litigation and the Favor litigation, which would necessitate a revised Scheduling Order and a new date for the Markman hearing in this case.<sup>1</sup>

5. Coordinated claim construction proceedings between this litigation and Favor Litigation would promote judicial efficiency by avoiding duplicative claim construction efforts and avoid potentially inconsistent claim construction rulings from separate courts.

6. The Parties believe a brief stay of the pending claim construction deadlines would facilitate this process and provide the Parties with the necessary time to negotiate and resolve details, and present the Court with a joint proposal for new, coordinated claim construction proceedings.

7. Accordingly, the Parties ask the Court to grant the present motion, temporarily stay the claim construction deadlines set forth in the Court's Scheduling Order dated September 29, 2020, and reset the Markman hearing. The Parties will communicate with the Court's staff to identify an alternative and mutually convenient date for the Markman hearing. A proposed order granting the requested stay accompanies this motion.

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<sup>1</sup> The parties in the Favor Litigation jointly moved to temporarily stay claim construction deadlines and reset Markman Hearing in order to "provide the Parties with the necessary time to negotiate and resolve details, and present the Court with a joint proposal for new, consolidated claim construction proceedings." See *Intelligent Agency, LLC v. Neighborfavor, Inc.*, Case No. 1:20-CV-00777-ADA, Dkt. No. 39.

Respectfully submitted this January 26th, 2021,

By: /s/ Steven Ross

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**Attorneys for Defendant 7-Eleven, Inc.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document is being filed electronically via the Court's ECF system on the date set forth above. As such, the foregoing is being served on all counsel of record via ECF.

/s/ *Syed Fareed*  
Syed Fareed